

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

DAVID A. WAFF,
individually, and on behalf of all those
similarly situated,

Plaintiff,

vs.

TIM REISCH; DOUGLAS L. WEBER;
MISTI WAAGMEESTER;
SHANNON MUCHOW;
JACKIE SCHWADER; DOUGLAS LOEN;
JENNIFER LANE-WAGNER;
and/or any other South Dakota Department of
Corrections and/or State of South Dakota,
Jane and/or John Doe employees, officials
and/or agents, personally or in their individual
capacities;

Defendants.

CIV. 07-4166

ORDER

Plaintiff filed this civil rights lawsuit on November 7, 2007. The Court ordered service of Plaintiff's Complaint on May 14, 2008. To-date, service has not been made upon Defendants.

Plaintiff is advised of Federal Rule of Civil Procedure 4(m) which provides:

Time Limit for Service. If a defendant is not served within 120 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff-- must dismiss the action without prejudice against the defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

Accordingly, it is hereby

ORDERED that the clerk provide Plaintiff with a sufficient number of blank summons and USM 285 forms for completion. Plaintiff shall have until November 14, 2008, to serve the summons, complaint, order for filing in forma pauperis, order for service, and this order upon defendants. If service is not accomplished by November 14, 2008, this case will be dismissed without prejudice.

Dated this 24th day of September, 2008.

BY THE COURT:

s/John E. Simko

John E. Simko
United States Magistrate Judge